REMARKS/ARGUMENTS

Claims 2-16, 18-30 and 32-48 are pending in this application. Applicants have thoroughly reviewed the Office Action and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the claims are believed to be patentable over the cited references. Claims 2, 3, 4, 11, 15, 18, 19, 20, 21, 28, 32 and 34 have been amended for the sake of clarity and to expedite prosecution of the application.

The amendments to the claims are supported by the disclosure in its entirety and includes for example support shown in paragraphs 32, 33, 35-36, 46, 65, 122, and 129-145.

The Applicant appreciates the Examiner's removal of the finality of the office action.

CLAIM REJECTIONS – 35 U.S.C. § 112

Claims 2, 18 and 32 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly being indefinite.

The Examiner stated that the claims 2, 18, and 32 fail to comply with the written description requirement. Specifically, the Examiner states that the unique identifier is *embedded* with specific manufacturing configuration of equipment.

However, a written description is provided in the application. The controller includes a unique identifier, which is assembled in a manner such that it provides the remote monitor with specific aspects or properties of the equipment. The specific properties of the equipment are embedded within the unique identifier. As seen in Table 1 and paragraph [0032], the unique identifier can be assembled such that it provides the (i) Manufactured Month/Year;(ii) Shipped date;(iii) Device Brand;(iv) Device Feature Set;(v) Device Type; and vi) Operating limits.

As mentioned in paragraph 30, "The serial number is also referred as to a unique identifier." Furthermore, as mentioned in paragraph 32, "the serial number is compiled using a number of pieces of data that helps the apparatus 10 decode certain aspects of the equipment 14." The disclosure's statement that the unique identifier is compiled using the specific manufacturing

configurations of the equipment, shows on the written record that the unique identifier is embedded or included with the specific manufacturing configurations of the equipment.

However, in the interest of expediting prosecution, claims 2, 18 and 32 have been reworded. The amendment is supported by the specification that states "the serial number is compiled using a number of pieces of data that helps the apparatus 10 decode certain aspects of the equipment" in paragraph 32.

Applicants respectfully submit that the rejection has been overcome and request that the rejection be withdrawn.

CLAIM REJECTIONS UNDER 35USC§103(a)

According to MPEP 706.02(j), the following establishes a *prima facie* case of obviousness under 35 U.S.C. §103:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 2-16, 18-30, and 32-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kail (USPN 5,959,529). in view of Chiliwnyj et al. (USPN 6,574,679). The Applicant respectfully traverses.

With regards to claim 2, the Examiner stated that Kail (USPN 5,959,529) teaches a device that provides diagnostic and control capability for equipment from a remote location comprising: an apparatus detached from the equipment comprising a display device, (34,54; See figure 1) an input device, (28;figure 1) software (82;figure 3) executed by the apparatus and a communications device; (16, 58;See figure 1) and a hardware controller (22;figure 1) attached to the equipment to enable monitoring of the equipment by the apparatus through the communications device, wherein a unique identifier is stored on the controller, (Col.6, lines 20-21) the unique identifier is assembled using an array of data (Col. 3, lines 10-14).

However, the present invention claims that the unique identifier is compiled using a number of pieces of data accommodating decoding specific manufacturing configurations of the equipment. On the other hand, Kail only teaches a plurality of portable monitoring units, to uniquely identify each unit and the data relative to its configuration and use.

First, Kail is referring to the configuration of the portable monitoring units as it is saying "uniquely identify each unit" and it refers to the "portable monitoring units." The present invention is referring to the controller on the equipment. Meanwhile Kail is referring to the identity of the monitory unit itself. Respectfully the configuration of the monitoring units is quite different from the configuration of the equipment being monitored.

As seen in FIG. 1 of Kail, reference 10 and 12 refer to the portable monitoring apparatus only.

Secondly, the unique identifier of the present invention is compiled using parts of data that can be decoded for specific manufacturing configurations of the equipment. Kail fails to disclose the compiling or decoding the unique identifier for the specific configurations of the equipment. The compiling or decoding of such data is not taught or suggested. Further, the parts of the data or the pieces of the data do not allow compiling of the unique identifier to where it can be decoded for specific manufacturing configurations of the equipment.

With regards to claim 3, the Examiner states that Kail (USPN 5,959,529) teaches the controller is queried by the apparatus. (Col. 8, lines 58-63). However, the amended claim also states that the uique identifier accommodates diagnosing and servicing of the equipment, which neither Kail or the other references teach or suggest.

With regards to claim 4, the Examiner states that Kail (USPN 5,959,529) teaches the controller transmitting data to the apparatus without being queried. (Col. 8, lines 58-67). However, the amended claim also includes the controller embedded in the equipment, which as seen in FIG. 1, the monitoring apparatus fails to be embedded in the equipment itself.

With regards to claim 11, the Examiner states that Kail (USPN 5,959,529) teaches the software code is programmed with acceptable operational limits for the equipment associated with the identifier. (Col. 2, lines 63-67).

However, the claim also states as amended, evaluating certain bits of data and comparing the identifier to acceptable operating limits for the equipment. Kail or the other reference fails to teach the evaluation of the identifier being in certain operating limits.

These remarks also apply to the method claim 21.

With regards to claim 15, Kail (USPN 5,959,529) teaches the predetermined task is transmitting data to the equipment to adjust certain operational features of the equipment. (364;figure 6). However, as amended, the device of Kail fails to have a set point view as claimed and certain feature sets. Kails does not have such limitations.

With regards to claim 18, the Examiner states that Kali (USPN 5,959,529) teaches a method that provides remote diagnostic and control capability for equipment comprising: monitoring the equipment through a hardware controller attached the equipment (Col. 4,lines 19-23) with a remote apparatus comprised of an input device, (28;figure 1)
display device, (34,54; See figure 1) a communications device(16, 58;See figure 1)
and software code executed by the apparatus. (82;figure 3, Col. 7, lines 64-65)
storing a unique identifier on the controller that is attached to the equipment,

(Col.6, lines 20-21) the unique identifier is assembled using an array of data (Col. 3, lines 10-14).

However, the remarks of claim 1 pertain to the method claim 18.

With regards to claim 19, Kail (USPN 5,959,529) and the other references fail to teach setting the local network address through a comparison and a field in the unique identifier itself.

The network address is not obtained in such a manner in Kail or the other references.

With regards to claim 20, Kail (USPN 5,959,529) and the other references fail to teach or suggest a communication recovery mode.

With regards to claim 32, the remarks for claim 2 pertains.

With regards to claim 34, Kail (USPN 5,959,529) and the other references fail to teach or suggest the set point view as claimed.

Claims 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kail (USPN 5,959,529) in view of Hayward (USPUB 2003/0023703). The Applicant respectfully traverses.

With regards to claims 44-47, the Examiner states that Kail (USPN 5,959,529) does not specifically disclose specific aspects of the equipment comprise a manufacturer, operating limits, serial number and feature of the equipment. Col.3, lines 11-13 broadly discloses the claim limitations of the above-mentioned claims. The Examiner states that Hayward (USPUB 2003/0023703) discloses specific aspects of the equipment comprises a manufacturer, serial number) and feature of the equipment. (page 2, paragraph 0025).

However, there is no actual teaching of such information being compiled and being decodable. Further there is not teaching in Hayward or Kail that such information specifically relates to the equipment especially since the unique identifier relates to the monitoring unit itelf of Kail, rather than the equipment.

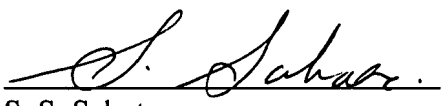
CONCLUSION

In view of the foregoing remarks, Applicants respectfully request that the outstanding rejections be removed. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1737 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out be telephone.

In the event this paper is not time filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to our Docket No. 87289.1741.

Respectfully submitted,

BAKER & HOSTETLER LLP



S. S. Sahota
Registration No. 47,051

Date: May 31, 2007

Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
Telephone: 202-861-1500
Facsimile: 202-861-1783